

**FILED**

**MAR 29 1995**

HOWARD HANSON  
MARIN COUNTY CLERK

By           M. LOUTEN           Deputy

Gerald Armstrong  
715 Sir Francis Drake Boulevard  
San Anselmo, California 94960  
Telephone: 415-456-8450

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF MARIN

CHURCH OF SCIENTOLOGY INTERNATIONAL, )  
a California not-for-profit )  
religious corporation, )

Plaintiff, )

vs. )

GERALD ARMSTRONG; MICHAEL WALTON; )  
THE GERALD ARMSTRONG CORPORATION )  
a California for-profit )  
corporation; DOES 1 through 100, )  
inclusive, )

Defendants. )

No. 157 680

**EX PARTE  
APPLICATION TO  
CONTINUE HEARINGS  
ON MOTIONS FOR  
SUMMARY ADJUDICATION  
OF 20TH CAUSE OF  
ACTION; AND 13TH,  
16TH, 17TH & 19TH  
CAUSES OF ACTION  
OF 2ND AMENDED  
COMPLAINT**

Date: 3/29/95  
Time: 9:00 a.m.  
Dept: One  
Trial Date: 5/18/95

TO: CHURCH OF SCIENTOLOGY INTERNATIONAL AND ITS ATTORNEYS OF  
RECORD:

**PLEASE TAKE NOTICE** that on March 29, 1995 at 9:00 a.m., in  
Department 1 of the above-entitled Court, located at the Hall of  
Justice at the Marin County Civic Center, San Rafael, California,  
defendant Gerald Armstrong, in pro per, will seek an ex parte  
order continuing the hearing on plaintiff's motion for summary  
adjudication of the twentieth cause of action of its complaint  
presently set for April 14, 1995.

This ex parte application is based upon the grounds that  
defendant has been incapacitated by psychic trauma the past two

1 weeks; that Scientology's motion for summary adjudication seeks  
2 an order which is very overreaching and if granted will cripple  
3 defendant and destroy his litigant's and human rights; that the  
4 motion concerns more than twenty people or entities from whom  
5 defendant must obtain declarations in support of his opposition;  
6 that the motion and supporting papers are over six inches of  
7 documents and concern matters over a twenty-five year period of  
8 defendant's life; that defendant is not an attorney and not  
9 represented by an attorney; that defendant has no monetary  
10 resources; that an extension of time will give defendant an  
11 opportunity to obtain an attorney, and give any attorney retained  
12 an opportunity to participate in this very important summary  
13 adjudication motion which will set the stage and parameters at  
14 trial.

15  
16 This ex parte application is based upon this notice, the  
17 attached declaration of Gerald Armstrong, the Court's files and  
18 records in this case and such other material as is presented in  
19 support of this application.

20 DATED: March 28, 1995

21  
22  
23 By:



24  
25  
26  
27  
28 Gerald Armstrong



1 of strength and functionality and my normal mode of  
2 communication. I was immobilized and unable to speak at times,  
3 and at other times during this period was able to speak only  
4 haltingly and through great psychic anguish.

5  
6 6. I have, in spite of that, worked as able to oppose  
7 Scientology's motions. I have located and communicated with  
8 almost all of the people, including individuals in the United  
9 Kingdom and South Africa, who will be providing declarations to  
10 support my oppositions. I have a direction for my oppositions  
11 which I believe will be adequate and successful. My request for  
12 an extension, therefore, is not frivolous, but will promote  
13 justice by giving me the chance I need to defend myself.  
14 Scientology will not be prejudiced in any way if an extension is  
15 granted.

16 7. From the time Mr. Greene substituted out I have  
17 attempted to obtain competent counsel to represent me in this  
18 litigation. I have now communicated substantively with eleven  
19 attorneys, each of whom has thus far declined to represent me. I  
20 have also communicated with a number of organizations which have  
21 an interest in the First Amendment issues which my case presents  
22 and which may be able to assist financially or with creating a  
23 public forum for and focus on the case's issues. I am confident  
24 that help is on its way. An extension of two weeks will also  
25 give me an opportunity have an attorney assist in my oppositions  
26 or at least review my work, if I am able to obtain legal help in  
27 the next two weeks. These summary adjudication motions are

1 extremely important and will set the stage and guidelines for the  
2 May trial. Any attorney who might become involved in my case  
3 would want to have as much input as possible into what that stage  
4 and guidelines will be.

5  
6 8. I communicated in my last application that I did not  
7 have a computer or printer. I have now obtained a computer and,  
8 God willing, I will have a printer in the next few days. I have  
9 borrowed Ford Green's printer for this document.

10 9. I am requesting that the hearing on the motion for  
11 summary adjudication be set for April 28, 1995.

12 10. I advised Scientology attorney, Laurie Bartilson, by  
13 phone at 11:20 a.m. yesterday that I would seek a continuance of  
14 the hearing date ex parte today if she would not agree to such a  
15 continuance. I followed this up with a faxed letter, a copy of  
16 which is appended hereto as Exhibit A.

17 11. I apologize to the Court for not being able, despite my  
18 best efforts, to meet my commitment after it graciously granted  
19 my earlier request for an extension. I again ask for its  
20 patience and mercy.

21 I declare under the penalty of perjury under the laws of the  
22 State of California that the foregoing is true and correct.

23 Executed at San Anselmo, California, on March 29, 1995.

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GERALD ARMSTRONG

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**ORDER**

GOOD CAUSE appearing therefor, it is hereby ORDERED that the hearing on plaintiff's motion for summary adjudication of the twentieth cause of action of the second amended complaint, and the hearing on plaintiff's motion for summary adjudication of the thirteenth, sixteenth, seventeenth and nineteenth causes of action of the second amended complaint shall be continued to 9:00 a.m. April ~~20~~<sup>21<sup>st</sup></sup>, 1995.

DATED: MAR 29 1995

GARY W. THOMAS

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Judge of the Superior Court



March 28, 1995

Laurie J. Bartilson  
MOXON & BARTILSON  
6255 Sunset Boulevard, Suite 2000  
Los Angeles, CA 90028

By Fax (213)953-3351

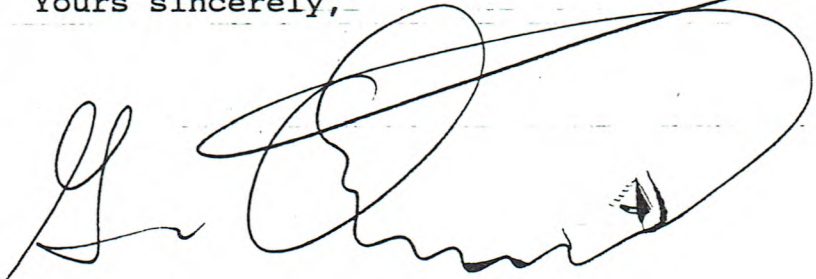
RE: Scientology v. Armstrong  
Marin County Superior Court  
Case No. 157 680

Dear Ms. Bartilson:

This is to put in writing our telephone conversation of this morning in which I said that I required an additional two weeks to prepare adequate responses to the two pending summary adjudication motions, and that if you would not grant such I would seek an extension ex parte from Judge Thomas tomorrow morning at 0900, and you said that you not would grant an extension.

Thank you.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Gerald Armstrong", with a large, sweeping flourish extending to the right.

Gerald Armstrong  
715 Sir Francis Drake Boulevard  
San Anselmo, CA 94960  
(415)456-8450

cc: Andrew H. Wilson, Esquire (by fax)  
cc: Michael L. Walton, Esquire (by fax)